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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/484,667	01/18/2000	D. Amnon Silverstein	10982103-1	9949

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FORT COLLINS, CO 80527-2400

EXAMINER
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HANNETT, JAMES M

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/484,667	<b>Applicant(s)</b> SILVERSTEIN, D. AMNON	
	<b>Examiner</b> James M. Hannett	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 22-40 and 42-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 24-27, 29, 30, 33-36, 38, 39, 44-50 and 52 is/are allowed.
- 6) ☒ Claim(s) 22, 23, 28, 31, 32, 37, 40, 42, and 51 is/are rejected.
- 7) ☒ Claim(s) 43 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 6/9/2006 have been fully considered but they are not persuasive. The applicant argues that Anderson teaches the use of an orientation sensor that detects orientation of the camera and not the motion of the camera.

The examiner strongly disagrees with the applicant and points out that the claims are extremely broad. The examiner asserts that the camera as discussed in Column 4, lines 15-20 of Anderson has a change in orientation, the position of the digital camera will change. Therefore, a change in orientation causes movement in the camera. Therefore, a change in orientation corresponds to a detected movement of the camera. The examiner points out that the claims do not specify the type of movement detected and further does not specify that the motion does not correspond to a rotation of the camera as taught by Anderson.

The applicant argues that one of ordinary skill in the art would not have considered the "image" displayed on the LCD of Anderson during the review mode as corresponding to "a scene viewed through the camera" because it is a static image not a scene viewed through the camera.

The examiner disagrees and points out that the claim merely states, "a scene viewed through the camera" and does not specify what the scene is or that the scene is not a static image. Furthermore, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the scene viewed through the viewfinder is not a static image) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification

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are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 1: Claims 22, 23, 28, 31, 32, 37, 40, and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,262,769 Anderson et al.
- 2: As for Claim 22, Anderson et al teaches on Column 2, Lines 65-67 and depicts in Figure (3and 8) a process for a camera having a display (402), comprising: sensing motion (560) corresponding to motion of the display (402) Column 4, Lines 16-20; interpreting the sensed motion (560) as a user interface input; and presenting on the display (402) images superimposed on a scene viewed through the camera in accordance with the interpreted user interface input Column 8, Lines 10-42. The examiner views the images superimposed as being the text and graphics discussed on Column 8, Lines 37-42. The scene viewed through the camera is viewed as the image which will be displayed on the LCD viewfinder.
- 3: In regards to Claim 23, Anderson et al teaches on Column 8, Lines 51-57 and depicts in Figure 10 the interpreting step comprises determining a viewpoint for displaying a region of a given image on the display (402) based on the sensed motion of the camera. Anderson et al teaches that the image to be displayed is resized or cropped in order to better fit the display. This

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process is viewed by the examiner as determining a viewpoint for displaying a region of a given image.

4: As for Claim 28, Anderson et al teaches on Column 4, Lines 1-20 the sensing step comprises tracking motion of the camera using orientation sensor unit (560).

5: In regards to Claim 31, Anderson et al teaches on Column 2, Lines 65-67 and depicts in Figure (3and 8) a camera having a display (402), comprising: sensing motion (560) corresponding to motion of the display (402) Column 4, Lines 16-20; interpreting the sensed motion (560) as a user interface input; and presenting on the display (402) images superimposed on a scene viewed through the camera in accordance with the interpreted user interface input Column 8, Lines 10-42. The examiner views the images superimposed as being the text and graphics discussed on Column 8, Lines 37042. The scene viewed through the camera is viewed as the image which will be displayed on the LCD viewfinder.

6: As for Claim 32, Anderson et al teaches on Column 8, Lines 51-57 and depicts in Figure 10 the interpreting step comprises determining a viewpoint for displaying a region of a given image on the display (402) based on the sensed motion of the camera. Anderson et al teaches that the image to be displayed in resized or cropped in order to better fit the display. This process is viewed by the examiner as determining a viewpoint for displaying a region of a given image.

7: In regards to Claim 37, Anderson et al teaches on Column 4, Lines 1-20 the sensing step comprises tracking motion of the camera using orientation sensor unit (560).

8: As for Claim 40, Anderson et al teaches on Column 2, Lines 65-67 and depicts in Figure (3and 8) a camera having a display (402), The examiner views the display as a see-through display because it can be used as a viewfinder during the capturing of an image. Anderson et al

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teaches presenting on the display (402) images superimposed on a scene viewed through the camera in accordance with the interpreted user interface input Column 8, Lines 10-42. Anderson further teaches that the superimposed images can be graphics and text. The examiner views graphics and text to be a virtual image. The examiner views the images superimposed as being the text and graphics discussed on Column 8, Lines 37042. The scene viewed through the camera is viewed as the image which will be displayed on the LCD viewfinder. Anderson et al teaches sensing motion (560) corresponding to motion of the display (402) Column 4, Lines 16-20; interpreting the sensed motion (560) as a user interface input; and presenting on the display (402) images superimposed on a scene viewed through the camera in accordance with the interpreted user interface input Column 8, Lines 10-42.

9: In regards to Claim 42, Anderson et al teaches on Column 2, Lines 65-67 and depicts in Figure (3and 8) a process for a camera having a display (402), comprising: sensing motion (560) corresponding to motion of the display (402) Column 4, Lines 16-20; interpreting the sensed motion (560) as a user interface input; and presenting on the display (402) images superimposed on a scene viewed through the camera in accordance with the interpreted user interface input Column 8, Lines 10-42. The examiner views the images superimposed as being the text and graphics discussed on Column 8, Lines 37042. The scene viewed through the camera is viewed as the image which will be displayed on the LCD viewfinder. Furthermore, the examiner views text and graphics to be virtual images. Therefore, the presenting comprises simultaneously presenting a virtual image (text and graphics) and an image of a scene through the camera.

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**10:** Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,262,769 Anderson et al.

**11:** As for Claim 51, Anderson teaches the digital camera as discussed in Claim 22, However, Anderson et al does not teach the method of automatically recording time of day and geographic location data with each picture captured by the camera.

Official notice is taken that it was well known in the art at the time the invention was made to allow users of digital cameras to record recording time of day and geographic location data with each picture they capture on digital cameras in order to allow the users to remember in the distant future when and where the pictures were taken.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of recording time of day and geographic location data with each picture in the camera of Anderson et al in order to allow the users to remember in the distant future when and where the pictures were taken.

***Allowable Subject Matter***

**12:** Claims 1-10, 24-27, 29, 30, 33-36, 38, 39, 44-50 and 52 are allowed.

**13:** Claim 43 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter:

The prior art teaches the use of a camera having a display which senses motion of the camera.

However, the prior art does not teach the method of presenting a cursor and plurality of icons on the display, and maintaining the position of the cursor fixed in the display while repositioning the icons in the display in a direction opposite the sensed motion of the camera.

Furthermore, the prior art teaches the use of a camera having a display which senses motion of the camera. and interprets the sensed motion of the camera as a user interface input. Anderson further teaches adjusting the viewpoint for a displayed region of a given image on the display based on the sensed motion of the camera. However, Anderson teaches adjusting the viewable portion of a captured image by cropping the image and does not teach that the image can be comprised of a collection of icons and presenting on the display the icons superimposed on a scene viewed through the camera in accordance with the sensed motion of the camera.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309.

The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

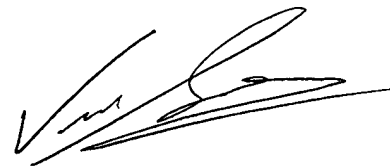
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett  
Examiner  
Art Unit 2622



JMH  
August 16, 2006



VIVEK SRIVASTAVA  
PRIMARY EXAMINER